

# **EXHIBIT 9**

Ehlen, Jon [ROUGH] 7/15/2008 9:00:00 AM

1  
2 UNITED STATES DISTRICT COURT  
3 NORTHERN DISTRICT OF CALIFORNIA  
4 (SAN FRANCISCO DIVISION)  
5 -----X  
6 ROOTS READY MADE GARMENTS )  
7 WLL, )  
8 )  
9 Plaintiff, )  
10 )  
11 -against- )  
12 ) Index No.  
13 ) CO 73263  
14 THE GAP INCORPORATED, ET AL, )  
15 )  
16 Defendant. )

-----X

17 VIDEOTAPED DEPOSITION OF JON EHLEN

18 New York, New York

19 July 15, 2008

20  
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22  
23  
24 Reported by:

Judi Johnson, RPR, CRR, CLR

25 Job No.: 17735



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620 Eighth Avenue  
New York, New York

July 15, 2008  
9:00 A.M.

Videotaped Deposition of JON EHLEN,  
held at the offices of COVINGTON AND  
BURLING, LLP, 620 Eighth Avenue, New York,  
New York, pursuant to Notice, before Judi  
Johnson, a Registered Professional Reporter,  
a Certified Realtime Reporter, a Certified  
LiveNote Reporter and Notary Public of the  
State of New York.



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1 ROUGH - JON EHLEN

2 Q I don't think you answered it, that's  
3 why.

4 A Not that I know of – oh, I'm sorry.  
5 Strike that. They did Lebanon. They were  
6 looking for a partner in Lebanon with Francois.  
7 There was an introduction of some sort.

8 Q Was that Grand Stores?

9 A Yes.

10 Q And did you have an understanding as  
11 to why Roots was involved in introducing Grand  
12 Stores to Gap?

13 A Not at the time. They seemed to be  
14 every where Francois went, a representative from  
15 Roots.

16 Q When you say they seemed to be every  
17 where Francois went, what do you mean?

18 A Well, when I met with Francois for the  
19 most part, there were very few times that I met  
20 with Francois alone. There were usually many  
21 people around him and there was usually a  
22 representative from Roots.

23 Q Did there come a point in time when  
24 you began to receive requests from Gabana or  
25 Roots to approve retailers in the Middle East?

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1           ROUGH - JON EHLEN

2           A    Gabana, yes.

3           Q    And which retailers were approved?

4           A    I'm sorry?

5           Q    Which retailers were approved in the  
6   Middle East?

7           A    Oh, were approved? In the beginning,  
8   there was a store in Bahrain. I don't recall  
9   the name. There was a retail location in Saudi  
10   Arabia. I believe it was called Red Square.  
11   There was Roots, I believe they had three  
12   locations in Qatar over the period of time.  
13   There was another retailer, the parent company  
14   was RSH but that wasn't the retailer. Studio R  
15   was the retailer. The parent company was RSH.

16          Q    That was in UAE?

17          A    Yes.

18          Q    And those were the ones that were  
19   approved?

20          A    As far as I know. I'm sure there  
21   could've been others.

22          Q    So appear Asians were received by Gap  
23   and they were approved for those retailers?

24          A    Well, we asked them to submit  
25   photographs and, you know, make sure that the

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1           ROUGH - JON EHLEN

2       provided them, they should -- we asked them to  
3       use the exact materials.

4       Q    Uh-huh. And do you know if that  
5       involved any construction?

6       A    No, not that I know of.

7       Q    And RSH was approved in --

8       A    Yes.

9       Q    In UAE?

10      A    Absolutely.

11      Q    Now, were there any applications for  
12      retailers in the Middle East that were not  
13      approved by Gap?

14      A    Oh, I believe so, yes. I don't know  
15      which ones they were but I know there were some  
16      that were requested.

17      Q    Did there come a point in time where  
18      Gap made the decision to slow down the approval  
19      of new retailers in the Middle East?

20      A    I think so, yes.

21      Q    And why was that?

22      A    As they started to consider franchise  
23      in a different business model.

24      Q    And when was that?

25      A    I believe it was the end of 2005 after

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2 A I don't recall.

3 MR. HANEY: I'd Lyme to mark as 135 an

4 E-mail from Isabelle Richard to Jon Ehlen

5 dated July 4, 2003 relating to

6 B-E-I-D-O-U-N. Trading in Kuwait.

7 (Whereupon, Bates document GGD

8 003297-3301 was marked as Plaintiff's

9 Exhibit 135 for identification, as of this

10 date.)

11 BY MR. HANEY:

12 Q Is 135 an E-mail that you received

13 from Isabelle Richard dated July 4th, 2003

14 forwarding a retail -- retailer approval request

15 form for company called Beidoun Trading Company

16 in Kuwait?

17 A Yes.

18 Q And was that approved by Gap?

19 A Yes.

20 Q And were sales ever made to Beidoun

21 Trading?

22 A No.

23 Q Why not?

24 A I don't -- I don't recall.

25 Q I'd like to show you what's been

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2 marked as Exhibit 4. (Handing.)

3 And my first question is whether you

4 are familiar with Exhibit 4?

5 A Yes, I am.

6 Q Were you involved in drafting or

7 negotiation of Exhibit 4?

8 A No.

9 Q When did you first see it?

10 A When I first joined ISP. This

11 particular one is a standard ISP contract.

12 There may be some changes in here for the

13 particular customer which is Gabana gulf

14 distribution LTD.

15 Q Was Roots a signatory to this

16 document?

17 A Not that I'm aware.

18 Q Was Roots intended to be a beneficiary

19 of this document to your knowledge?

20 A Not that I'm aware.

21 Q And was Roots agreeing to be bound by

22 this document in any way?

23 MS. DURIE: Objection. Calls for

24 speculation.

25 A Yeah, I don't -- I don't know.



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2       at that time.

3       Q    Uh-huh. I'd like to show you what's  
4       been marked as Exhibit 63. (Handing.)

5       And my first question is whether  
6       you've seen 63 before?

7       A    Yes, I have.

8       Q    And what is 63?

9       A    It is a renewal of the previous  
10       contract, the ISP contract with Gabana.

11       Q    And were you involved in any  
12       discussions relating to this contract?

13       A    Yes, I was.

14       Q    And who were those discussions with?

15       A    Many people. Jim Bell, who was our  
16       Comptroller at the time. Julie Camberg, our  
17       in-house counsel and Francois Larsen, they come  
18       to mind.

19       Q    Was Mr. Larsen the only person outside  
20       of Gap that you had discussions with about this  
21       contract?

22       A    As far as I recollect.

23       Q    So nobody from Roots was involved in  
24       any discussions about this contract?

25       A    Not that I'm aware.